

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERTO A. VENTURA MACHIC,
Plaintiff,
vs.
ICE FIELD OFFICE DIRECTOR,
Defendant.

Case No. C13-0169-RSM

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
ACTION

This matter is before the Court for consideration of a Report and Recommendation filed by the Honorable Mary Alice Theiler, United States Magistrate Judge. Dkt #13. Judge Theiler recommends the petition for writ of habeas corpus be denied, the respondent's motion to dismiss be granted, and the case be dismissed with prejudice. The Court approves and adopts the Report and Recommendation, but writes to address the issue raised by petitioner regarding the propriety of the bond amount imposed by the Immigration Judge. Dkt. # 4. The Immigration and Nationality Act states, "The Attorney General's discretionary judgment regarding the application of [8 U.S.C. § 1226] shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention or release of any alien or the grant, revocation, or denial of bond or parole." 8 U.S.C. § 1226.

1 This language removes from federal courts the authority to review an Immigration Judge's
2 bond determination. *Prieto-Romero*, 534 F.3d 1053,1053 (9th Cir. 2008). Therefore, even if
3 petitioner's detention was discretionary rather than mandatory, as this Court finds, it would not
4 have the jurisdiction to review the bond determination.

5 The Court, having reviewed petitioner's petition for writ of habeas corpus (Dkt. # 4),
6 respondent's motion to dismiss (Dkt. # 8), the Report and Recommendation of Judge Theiler,
7 and the remaining record, finds and Orders as follows:

- 8 1. The Court ADOPTS the Report and Recommendation;
- 9 2. Petitioner's petition for writ of habeas corpus is DENIED, respondent's motion to
10 dismiss is GRANTED, and this matter is DISMISSED with prejudice.
- 11 3. The Clerk shall send a copy of this Order to the parties and to Judge Theiler.

12 DATED this 23 day of July 2013.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
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